

## **INFORMATION AND INSTRUCTIONS FOR FILING A PRISONER COMPLAINT**

Attached are the forms you will need to file a Prisoner Complaint. All questions must be answered clearly and concisely in the appropriate space on the forms. Attach an additional page if you need extra space to answer a question, clearly identifying the question to which the additional page pertains. Absent prior order of the court, the total length of the Prisoner Complaint, including the form and all additional pages, may not exceed thirty pages. Pursuant to the Court's local rules, the Prisoner Complaint and all other papers must be typewritten or legibly handwritten, text shall be printed on only one side of each page, all documents must be filed on paper that measures 8.5 inches by 11 inches, and all papers shall include margins of 1.5 inches at the top and 1 inch at the left, right, and bottom.

You should exercise care to assure that all answers are true, correct, and complete. You are cautioned that any deliberately false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You must sign each form. Further instructions for completing these forms are provided below.

### **The Filing Fee and 28 U.S.C. § 1915**

1. Prisoners seeking leave to proceed under 28 U.S.C. § 1915 must comply with the following procedures. Section 1915(h) defines a "prisoner" as "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program."

2. The complaint must be accompanied by the full \$350.00 filing fee plus an administrative fee of \$50.00, for a total of \$400.00. If you want to commence an action without prepayment of fees or security, you must file a motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915. You also must submit a signed authorization for disbursement of funds from your inmate trust fund account and a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official of each penal institutional at which you are or were confined during the six-month period. The court cannot consider the merits of the claims asserted in any complaint filed without either the entire \$400.00 fee or a properly completed motion, affidavit, authorization, and certified copy of your trust fund account statement (or institutional equivalent).

3. If you are proceeding pursuant to 28 U.S.C. § 1915 and the motion, affidavit, and certified copy of your trust fund account statement (or institutional equivalent) are in proper form, you must pay the full \$350.00 filing fee (but not the \$50.00 administrative fee) in monthly installments. *See* 28 U.S.C. § 1915(b)(1). The court will enter an order directing your custodian to calculate and disburse funds from your inmate trust fund account or institutional equivalent in the amounts specified by 28 U.S.C. § 1915(b) until the full \$350.00 filing fee is paid.

## **The Complaint**

1. Each named defendant must be listed in the caption of the complaint, one defendant per line pursuant to D.C.COLO.LCivR10.1J. If there is more than one defendant, you should indicate clearly in the body of the complaint which actions are attributable to each defendant.

2. You must provide the court with an original complaint. You should keep a copy of the complaint for your own records. The court will not provide a copy for you.

3. When your complaint is completed, it should be mailed with the filing fee or motion for leave to proceed pursuant to 28 U.S.C. § 1915 to the Clerk of the United States District Court at the following address:

Clerk of the Court  
Alfred A. Arraj United States Courthouse  
901 19th Street, Room A105  
Denver, CO 80294-3589

4. You must furnish the opposing party or his, her, or its attorney with a copy of all documents submitted to the court for filing and consideration. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his, her, or its attorney and the address to which it was mailed. Any document received which fails to include a certificate of service may be disregarded by the court or returned. An example of a certificate of service is:

I hereby certify that a copy of the foregoing pleading/document was mailed to \_\_\_\_\_ (defendant(s) or counsel for defendant(s))  
at \_\_\_\_\_ (address) on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Plaintiff's Original Signature

5. The United States district judges, the United States magistrate judges, the Clerk of the Court, and deputy clerks are officers of the court and are prohibited from giving legal advice. Legal questions should be directed to an attorney.